



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460
June 27, 2013

OFFICE OF
ENVIRONMENTAL INFORMATION

Mr. Reed W. Super
Super Law Group, LLC
on behalf of Natural Resources Defense Council
131 Varick Street
Suite 1033
New York, NY 10013

RE: Request Number EPA-HQ-2013-007583

Dear Mr. Super:

This is in response to your request for a waiver of fees and for expedited processing in connection with your Freedom of Information Act (FOIA) request to the U.S. Environmental Protection Agency (EPA) seeking a copy of records regarding the Biological Evaluation that EPA sent to the National Marine Fisheries Service and the US Fish and Wildlife Service on or about June 18, 2013, and the raw data files used to produce the Biological Evaluation, as described in your request.

We have reviewed your fee waiver justification and based on the information provided, we are granting your request for a fee waiver. However, this fee waiver does not include a waiver of fees for otherwise publically available records.

We have reviewed your expedited processing justification and based on the information provided, we are denying your request for expedited processing. You have not demonstrated that the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual. The Office of Water will be responding to your information request as expeditiously as possible.

Under the FOIA, you have the right to appeal this determination to the National Freedom of Information Office, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, NW (2822T), Washington, DC 20460 (U.S. Postal Service Only), E-mail: FOIA_HQ@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200

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Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, NW, Room 6416J, Washington, DC 20004. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should include the FOI number listed above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

If you have any questions concerning this determination please contact me at (202) 566-1667.

Sincerely,

A handwritten signature in blue ink, appearing to read "L. Gottesman", is written over the printed name.

Larry F. Gottesman
National FOIA Officer